

# House File 2119 - Introduced

HOUSE FILE 2119

BY BACON

## A BILL FOR

1 An Act relating to confinement feeding operations maintaining  
2 fishes, by providing for the calculation of animal unit  
3 capacity, making penalties applicable, and including  
4 effective date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 459.102, subsection 6, paragraph 1, Code  
2 2018, is amended to read as follows:

3 1. ~~Fish~~ Fishes weighing twenty-five  
4 grams or more..... 0.001

5 Sec. 2. Section 459.102, subsection 6, Code 2018, is amended  
6 by adding the following new paragraph:

7 NEW PARAGRAPH. *m.* Fishes weighing less  
8 than twenty-five grams..... 0.00006

9 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate  
10 importance, takes effect upon enactment.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with  
13 the explanation's substance by the members of the general assembly.

14 GENERAL. This bill amends the "Animal Agriculture  
15 Compliance Act" (Code chapter 459) which generally authorizes  
16 the department of natural resources (DNR) to regulate  
17 confinement feeding operations (operations) including  
18 associated confinement feeding operation structures  
19 (structures) and the use of manure originating from the  
20 operation (e.g., by application on agricultural land). The  
21 bill amends provisions that assign an equivalency factor to  
22 fishes for purposes of calculating the operation's animal unit  
23 capacity (AUC).

24 BILL'S PROVISIONS. The bill provides that when calculating  
25 an operation's AUC, a fish weighing less than 25 grams is  
26 assigned a new equivalency factor of 0.00006. A fish weighing  
27 25 grams or more retains its current assigned equivalency  
28 factor of 0.001.

29 BACKGROUND. An operation includes a totally roofed building  
30 where certain confined agricultural animals are maintained  
31 in a structure such as a confinement building for 45 days  
32 or more during any 12-month period (Code section 459.102).  
33 Relevant regulations include both air quality requirements  
34 (e.g., separation distances between a structure or the location  
35 where manure is applied and a benefited object or location

1 such as a residence) and water quality requirements (e.g.,  
2 the issuance of a construction permit and the approval of a  
3 manure management plan). Generally, these regulations apply  
4 differently to structures depending on the operation's size,  
5 determined by calculating its AUC (the maximum number of animal  
6 units that may be maintained as part of an operation at any  
7 one time). Each category of animal is assigned an equivalency  
8 factor and a category may be subdivided into subcategories  
9 based on the animal's weight. The equivalency factor for each  
10 category or subcategory is multiplied by the number of head  
11 maintained as part of the operation.

12     APPLICABLE CIVIL PENALTIES. A person who violates a  
13 regulation provided in the Code chapter is subject to a civil  
14 penalty depending upon the type of violation. For an air  
15 quality violation, the enforcement action is conducted by  
16 DNR as part of an administrative hearing and the person is  
17 subject to a range of civil penalties not to exceed \$10,000  
18 (Code section 459.602 referring to Code section 455B.109).  
19 For a water quality violation, the enforcement action may be  
20 conducted by DNR in the same manner as an air quality violation  
21 or it may be conducted by the attorney general as part of a  
22 court hearing and in that case the person is generally subject  
23 to a civil penalty that cannot exceed \$5,000 (Code section  
24 459.603 referring to Code sections 455B.109 and 455B.191).

25     EFFECTIVE DATE. The bill, if enacted, would take effect upon  
26 enactment.